



FEDERAL BUREAU OF INVESTIGATION

VITO MARCANTONIO

PART 5 OF 12

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FURTHER STATEMENT OF CONGRESSMAN
VITO MARCANTONIO BEFORE ROBERT B.
BARKER, ASSISTANT GENERAL COUNSEL
AND CHIEF INVESTIGATOR OF THE
SPECIAL COMMITTEE TO INVESTIGATE
CAMPAIGN EXPENDITURES OF THE HOUSE
FOR REPRESENTATIVES, PURSUANT TO
HOUSE RESOLUTION NO. 645

1404 United States Courthouse
2 Foley Square, New York City
December 16, 1946

PRESENT:

ROBERT B. BARKER, Assistant General Counsel and Chief
Investigator of the Special Committee to Investigate
Campaign Expenditures.

CONGRESSMAN VITO MARCANTONIO,

PETER L. P. SABBATINO, Counsel to Mr. Marcantonio,

ALLEN COOPER, Counsel to Mr. Marcantonio.

CHARLES BORDA, Investigator for the Committee

MR. SABBATINO: Mr. Barker, we have a list of three pages which gives the names and addresses of the captains in the Congressional District in which the Congressman ran.

MR. MARCANTONIO: Some of them are just workers, but I want to qualify that by saying that some of them might have been inactive.

MR. BARKER: On Election Day?

MR. MARCANTONIO: Even during the campaign. Let us say I have an organization of 100 people. That doesn't mean that the whole 100 was on the job.

MR. BARKER: This is much more than 100.

MR. MARCANTONIO: Whatever it is.

MR. SABBATINO: This is a list gotten up from the files, not from personal interviews with each one. These men have not been interviewed to be sure that they worked. We assume that some of them worked at some time or other.

MR. BARKER: Does this also include the entire personal staff of Congressman Marcantonio?

MR. MARCANTONIO: No, it does not.

MR. BARKER: How about your campaign manager and your secretary?

MR. MARCANTONIO: I have no manager. Miss Tornese is part of my Congressional staff who worked on a volunteer basis, and the rest are my own personal Congressional staff. I have a staff besides what the government allows me, who I pay out of my pocket.

MR. BARKER: You mean your office staff?

MR. MARCANTONIO: Aside from my law office.

MR. BARKER: I took that to be the case because you mentioned that you had an office in Washington and two offices here.

MR. MARCANTONIO: Correct, two Congressional offices here.

MR. BARKER: In addition to a law office?

MR. MARCANTONIO: Yes.

MR. SABBATINO: Are there any questions, Mr. Barker, that Mr. Marcantonio can ask which would shed light on what the Committee is interested in?

MR. BARKER: We had a witness who stated that the night of the election, when it became apparent that you were far enough ahead to be declared the winner, you were at some night spot with some of your friends, that you ascended a table and said to this effect? "Did anybody else get kicked in the belly this morning?"

MR. MARCANTONIO: That is a cowardly lie. I didn't go to any night spot.

MR. SABBATINO: Was the night spot identified?

MR. BARKER: No, it was not.

MR. MARCANTONIO: I went to no night spot.

MR. BARKER: Was your physical condition such that you were exhausted?

MR. MARCANTONIO: I was not only exhausted, but I was very ill and kept away from people for fear they would push me out of the campaign.

(Discussion off the record.)

MR. MARCANTONIO: I know what you are referring to. That was no night spot. That was at my campaign headquarters at 1484 1st Avenue.

When I made the speech, I recall saying, "who got kicked in the belly again?" and that was Mr. Hearst. That was reprinted in the press. I think you will find it in the New York Times or the Tribune or one of the papers that reported the speech that I made at my campaign headquarters, and I distinctly used the words, "who got kicked in the belly again?" and I answered, "William Randolph Hearst." I got up on a desk.

MR. BARKER: Was that speech a pep talk to your workers?

MR. MARCANTONIO: It was an analysis of the campaign victory.

MR. BARKER: To your immediate campaign staff?

MR. MARCANTONIO: Not only to my immediate campaign staff, but to the hundreds and hundreds of people and workers who had worked their way up to the headquarters, plus the people out on the street. I spoke through an amplifier. There was a tremendous crowd.

MR. BARKER: In other words, friends who came to congratulate you on the victory?

MR. MARCANTONIO: It might have been friends and also curious people.

MR. BARKER: When you said "William Randolph Hearst" you naturally referred to his two newspapers here?

MR. MARCANTONIO: That is right; the Hearst press, and when I mentioned the name "Hearst" I also distinctly remember the crowd booing.

MR. BARKER: Is that the Journal-American and the Daily Mirror?

MR. MARCANTONIO: Yes. You will find that the press the next day carried stories of my speech that night. You will find definite reference to it, and as far as the night spot is concerned,

I went to no night spot that night.

MR. BARKER: Mr. Goodwin, I have obtained a list of the Deputy Attorney Generals that were on duty in the 18th Congressional District and I notice that your name is on it. Could you please explain that?

MR. GOODWIN: Someone connected with the Labor Party office - I believe the Executive Secretary, was requested by the Attorney General to submit the names of attorneys connected with the Labor Party, whom the Labor Party would want to be deputized, and they handed my name in. I went down to talk to Mr. Zimmer, one of the assistants in the Attorney General's office on the Saturday morning before election. I told him I was Mr. Marcantonio's personal attorney; that my name had been submitted to be a deputy Attorney General for Election Day, and while I had no objection to be a deputy and would like to be a deputy, I wanted it clearly understood that I was to be deputized with authority sufficient to permit me to go anywhere in the district on Election Day. I have some correspondence I want to show you in connection with it. He asked me to fill out a form and when he came to the jurisdictional question he said, "Well, we cannot deputize you to go anywhere on Election Day. The most we can do is permit you to go anywhere in any one assembly district." I said, "Well, if that is the case, make it the 10th Assembly District," and he filled in the 10th Assembly District and I said, "Also add, if you will, the three Election Districts of the 9th Assembly District which are also in the 18th Congressional District," and he said, "All right."

The following Monday, November 4th, I received this letter from Attorney General Goldstein, dated November 2d, addressed to me at my home at 35 West 92d Street in which he said:

"Dear Sir:

Deputy

You are hereby appointed as Special/Attorney General under Section 66a of the Executive Law to represent me and exercise all of the powers, except the power of subpoena, conferred upon me by Section 66a of the Executive Law relative to election matters, subject to the prescribed rules and regulations of this department.

You are to serve without compensation, and your designation will take effect immediately and will remain in effect until November 6, 1946.

Very truly yours,

Nathaniel L. Goldstein
Attorney General
State of New York."

MR. SABBATINO: And that is a form letter.

MR. GOODWIN: Yes, and I show it to Mr. Barker (handing above letter to Mr. Barker.)

MR. BARKER: It is a mimeographed letter.

MR. GOODWIN: During Election Day I had this letter in my possession at the Congressman's headquarters, but did not exercise any of the powers of the Attorney General that day. When I got home on Election night, I found another letter from Attorney General Goldstein addressed to me, which was identical with the first letter, and the first letter is mimeographed, as you will notice, except that in the second letter, dated November 4th, the following was added on the typewriter at the end of the first

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paragraph:

"For the following area: 48th Election District, 9th Assembly District."

This indicates that after consenting to permit me to be an Attorney General for the 10th Assembly District as well as three election districts of the 9th, that will restrict my activities to one single election district which is entirely outside of the Congressional District, because the 48th Election District of the 9th Assembly District is not in this Congressional District.

I have not called this to the attention of the Attorney General yet, but I feel very keenly about the manner in which this was handled because knowing I was Congressman Marcantonio's personal attorney, I think I was unduly prejudiced by this restriction., restricting me to an activity in an election district entirely outside of the 18th Congressional District. Does that explain everything you want to know about my appointment?

MR. BARKER: Yes. Did you on Election Day exercise any authority as a Deputy Attorney General?

MR. GOODWIN: No. I found no occasion to, and I didn't.

MR. MARCANTONIO: As a matter of fact, you stayed up in the headquarters that day.

MR. GOODWIN: Yes. I was at the headquarters that day. I think you might say that if this was in any way planned, it was certainly a dirty trick against us.

MR. BARKER: To whom did you talk in the Attorney General's office?

MR. GOODWIN: The man's name was "Zim" or "Zimmer." I didn't get it clearly. I assume that he was one of the Attorney General's

assistants in his office.

MR. BARKER: Congressman, do you know Seymour Atlas?

MR. MARCANTONIO: I do.

MR. BARKER: And his wife?

MR. MARCANTONIO: I can't honestly say I know his wife. I may have met her. I meet a lot of people.

MR. BARKER: His name is on this list.

MR. MARCANTONIO: Yes.

MR. BARKER: Seymour Atlas was a tenant in the same apartment house with Scottoriggio.

MR. MARCANTONIO: I don't know whether it was in the same building, but he is a tenant in the East River Houses.

MR. BARKER: In the same project?

MR. MARCANTONIO: Yes.

MR. BARKER: Was he active in your campaign?

MR. MARCANTONIO: He was.

MR. BARKER: What is his employment?

MR. MARCANTONIO: I understand he is a furrier. He has just gotten back from the Army and went back to his employment as a furrier.

MR. BARKER: Congressman, do you have any knowledge of any of the active political workers in the 18th Congressional District, either who worked for you or against you in behalf of the other candidates who were employees of the Federal Government, within the meaning of the Hatch Act?

MR. MARCANTONIO: I don't know of any. There were a lot of partisans in this campaign. I don't know if elections down in your part of the country are like our's, but when the contest becomes very hot, you

MR. SABBATINO: Are there any questions you would care to ask the Congressman in reference to your conferences with Mr. Hogan, the Police Commissioner, or anybody else about anything that pertains to your activity here?

MR. BARKER: I hadn't thought of any examination along that line.

MR. MARCANTONIO: Besides speaking to you - the last time I spoke to you on the phone, which I believe was Monday night, I also spoke to Congressman Priest in which the Congressman reiterated that in the event your investigation developed anything which required my refutation or required my meeting, I would be given that opportunity, and if you have developed anything that requires an answer from me, I am here to make answer.

MR. BARKER: Did the Chairman inform you that he had appointed a subcommittee?

MR. MARCANTONIO: No; he didn't say anything about a subcommittee at that time.

MR. BARKER: He has appointed a subcommittee of Harris of Arkansas and Curtis of Nebraska. Harris is a Democrat and Curtis is a Republican. My instructions are to get as much available information as can be obtained this week and return to Washington.

MR. MARCANTONIO: In other words, an agreement was made ^{that} to afford me an opportunity to answer anything which requires an answer is not going to be kept; is that it?

MR. BARKER: Oh, no. I don't understand it that way at all. My instructions are to gather all information and interview all the available witnesses and return to Washington, whereupon the subcommittee will then decide if they are going to hold public hearings, and it

is my understanding, in conversations with the Chairman of the Committee that if they are to hold public hearings, they are first to discuss the matter generally with you and inform you of specific allegations. Was that your understanding of it?

MR. MARCANTONIO: My understanding was this: Before a report on a preliminary investigation was made to the Committee, if there were any matters which required an answer from me, I would be given an opportunity to make that answer so that in presenting the preliminary report, that report would contain my answers to any charges that have been made to you or to your investigators by anyone.

MR. BARKER: Is that the understanding you had with the Chairman?

MR. MARCANTONIO: Yes, and that is the understanding I had with you last Monday night.

MR. BARKER: I was referring to the understanding that you had with the Chairman.

MR. MARCANTONIO: I had ^{not} spoken to the Chairman at the time I spoke to you. I spoke to the Chairman after I spoke to you.

MR. BARKER: Let us get this straight: Before we report to the Subcommittee on material and information collected up here, you want an opportunity to go over the entire case?

MR. MARCANTONIO: I don't want to interfere with your investigation. I do want an opportunity to make answer to any allegations that have been made against me before you make a report.

MR. GOODWIN: In other words, if there is anything that has been said that would be damaging to the Congressman if unanswered, we would want to know about it so that we could tell you what we thought of it and what we consider the facts to be. We would not want to have you

take a charge made by someone without our knowing it and assume that the facts were in any way correct, unless we were confronted with them.

MR. SABBATINO: The best proof of the wisdom of that is the information that you gave us is about that night spot where the Congressman was supposed to have said something. By calling it to our attention we point out to you that it was his own clubhouse, within the hearing of the newspapers and the public, and reported in the press.

Your statement before, taken by itself, looks very bad, but when explained it is meaningless.

MR. BARKER: I understand. First, let me explain another angle of this matter to you. This investigation has not proceeded as rapidly as intended; it has not proceeded smoothly either. The Committee has encountered a lot of delay - delay which did not permit the Committee to obtain information - delay which, I might state, speaking personally and not speaking for the membership of the Committee, as you will understand, being a Member of the House, is hardly fair to Marcantonio. In other words, I have been denied access to witnesses, access to other matters and I have reported that to the Committee, so that I think the best way to handle this is for the Committee and you and your counsel here to sit down when the investigating staff is present, you are present and the Committee is present and your counsel is present and everybody is present. I think that, in my personal opinion, would be the best way to handle it, and I will so recommend.

MR. SABBATINO: You have been in New York for the past week, in addition to the preceding time. There was a vicious article, for instance, in the New York "Sun" to the effect that his district was the hi-jacking district, and they referred to the hi-jacking of a truck

in August and said it was Congressman Marcantonio's district, as if he had the responsibility for the police and the district attorney. Then in a subsequent article they referred to a hijacking not in August but as recently as November, and in that article they didn't point out the name of the Congressman from that district.

MR. BARKER: Who was the Congressman in that district?

MR. MARCANTONIO: It doesn't make any difference.

MR. SABBATINO: It shows you the viciousness of the article. A hijacking took place in August in the Congressman's district, and another hijacking as recently as November in another district. They do not say "from Congressman so and so's district" so as to fasten the responsibility upon the Congressman. If they did, that would, by inference, place the police responsibility on the Congressman.

MR. GOODWIN: The point I want to make is this: The last time we were here with the Congressman, we asked you to confront us with any charges that were made against the Congressman so that you might have our side. You confronted the Congressman with an article appearing in the Daily Mirror in which the Congressman was charged with interfering in police matters, particularly in procuring the demotion of three policemen unnecessarily. Unanswered, that was a scandalous matter, and clearly imputed improper motives to the Congressman, or improper action, interference with the police, the internal affairs of the police, etc. Yet, when you received the Congressman's answer, I am sure you had an entirely different view of the matter.

It would be fair if you were to go back to Washington with a number of charges which you have called to our attention so that we might clarify and explain them and give what we consider to be the

correct view. That is clearly our position.

MR. BARKER: The Committee, of course, is not going to try this case in the newspapers, and of course the Committee is not going to consider these articles that were published against you in the New York press, which I told you at the time you were here that they were libelous per se.

I passed them over to you for your comment. I thought it was fair to do that. We had obtained copies of those papers because I had heard something of the campaign that had been carried against you by these newspapers.

MR. GOODWIN: Another thing. You ask whether the Congressman knows Seymour Atlas. You have not indicated to the Congressman in what respect Mr. Atlas fits into this investigation, or that there is anything improper in the Congressman's dealings with Mr. Atlas. If there is anything improper, we would like to know it and answer it.

MR. BARKER: The reason I asked the Congressman about Seymour Atlas - and this is information which has been given to me not on the record, but somebody intimated that Seymour Atlas was an employee of the Federal Government or was employed by a corporation which was subsidized by the United States, either through RFC or otherwise.

MR. MARCANTONIO: He is a furrier.

MR. BARKER: I had already ascertained that that was not true, by investigation, but the investigation did not show his actual occupation. Therefore, I asked the Congressman what he did for a living. There wasn't anything important.

MR. GOODWIN: Don't you agree with me that if that point were unanswered, that point might be damaging to us in a preliminary